GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

STARRED QUESTION NO:378
ANSWERED ON:17.08.2001
EXCLUSION OF MEDICINES FROM THE PURVIEW OF TRIPS
DR. KIRIT SOMAIYA

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

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(a) whether the Government are considering any proposal to exclude AIDS medicines from purview of TRIPS and GATT; (

(b) whether the Government have taken any initiative at WTO for excluding AIDS medicines and other life saving drugs from the purview of TRIPS; (

(c) whether the prices of AIDS medicines are likely to increase due to Patent, new provision under TRIPS; (

(d) if so, the steps being taken by the Government to control the situation; (

(e) the AIDS medicine prices of MNCs in the other countries complying with TRIPS and the prices of same in India; and (

(f) the coordinating effort initiated by his Ministry with the Health Ministry in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI DIGVIJAY SINGH)

(a) to (f) : A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO.378 FOR ANSWER ON 17-8-2001 BY KIRIT SOMAIYA REGARDING EXCLUSION OF MEDICINES FROM THE PURVIEW OF TRIPS.

(a) & (b) : In a Special Session of the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPs) of the WTO, held on 20th June, 2001, India along with 46 other developing countries have submitted a joint paper on `TRIPS & Public Health`It has been demanded in this joint paper that the WTO should ensure that the TRIPS Agreement does not undermine the right of the WTO Members to formulate their own public health policies and adopt measures for providing affordable access to medicines. Greater flexibility and clarity in the interpretation of the TRIPS Agreement has been sought in order to take care of the public health concerns of the developing countries of providing affordable access to essential medicines and life saving drugs. As a part of the redressal of the `implementation related concerns`, India along with other like minded group of countries had earlier submitted a proposal in the WTO that the list of exceptions to patentability under Article 27.3(b) of the TRIPS Agreement should also include the list of essential drugs of the World Health Organisation. However, no decision has yet been taken on this proposal.

(c) to (f): The existing Indian Patents Act 1970 including its amendments provides for only process patents for pharmaceutical products and medicines in India and the obligation to provide product patents for pharmaceutical products and medicines by India under TRIPs will come into effect only from 1/1/2005. TRIPs Agreement does not have any specific provision for directly regulating the prices of the medicines, though it provides for the issue of Compulsory Licences under certain circumstances. Currently, the prices of AIDS medicines in India are generally less than the prices of these medicines in other countries.However, the Government are monitoring the prices of AIDS medicines in India and if required, appropriate measures could be taken under the provisions of the Patents Act, 1970 and the provisions of Drugs (Prices Control) Order, 1995.The Ministry of Commerce& Industry regularly coordinates with the Department of Chemicals and Petrochemicals, and Ministry of Health and Family Welfare in this regard.